

ARTICLE 1, Police and Fire (Adopted 5-15-1989 by Ord. No. 89-10]

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§ 59-1. Purpose.

- The Board of Supervisors finds it to be in the interest of the residents of Lower Paxton Township and the general public to prevent and deter the installation, maintenance and use of police and fire alarms that provide repetitious false alarms.

§ 59-2. Definitions.

- As used in this article, the following terms shall have the meanings indicated:

POLICE ALARM -- Includes alarms commonly referred to as "burglar alarms" and "holdup alarms."

§ 59-3. Alarm regulations.

- The use of police or fire alarms, whether audible or direct-line type of alarms, are expressly permitted subject to the following conditions:
 - **A.** Direct-line radio or other electronic police or fire alarms shall be installed by competent workmen so that such devices shall not emit false alarms.
 - **B.** Any alarm system that produces false alarms shall constitute a public nuisance if such system activates more than one false alarm in any thirty-day period, two false alarms in any ninety-day period, three false alarms in any one-hundred-eighty-day period or four false alarms in any three-hundred-sixty-five-day period.
 - **C.** Any police officer or fire fighter who responds to a false alarm shall report the same to the Commissioner of Police who shall monitor and maintain records concerning such false alarms.

- **D.** When any alarm system shall constitute a public nuisance as set forth hereunder, the Commissioner of Police shall notify the owner of the system that it has activated more false alarms than is permissible hereunder and that any future false alarms shall result in the prosecution for violation of this article.
- **E.** Notice as required by this article shall be given by the Commissioner of Police by mailing a certified letter with return receipt requested or by personal service of such notice by handing a copy of the same to the owner of the subject property or to an adult representative thereof. If service is made in person, the Commissioner of Police or his or her designee shall file a proof of service which shall be under oath and which shall designate the person upon whom service was made.
- **F.** For the purpose of this article, the owner of real estate on which an alarm system is placed and used shall be considered the owner and the person responsible for its proper maintenance and use.
- **G.** In addition to any penalty provided hereunder, upon notifying the owner that the police or fire alarm system constitutes a public nuisance, the Commissioner of Police shall also notify Dauphin County Emergency Management and any other agency handling the system that the system has been declared a public nuisance and that the system should be disconnected and no longer used.

§ 59-4. Unlawful to use alarm declared a public nuisance.

- It shall be unlawful for any owner of property or persons in charge of real property to use or permit to be used any burglar or fire alarm system that has previously been declared a public nuisance as provided herein. If any false alarm shall be given by such system following the date of receipt of notice as set forth herein, the false alarm shall be unlawful and constitute a violation of this article.

§ 59-5. Outdoor audible alarms.

- All outdoor audible alarms that are activated falsely shall be subject to the same conditions applicable to direct-line radio or other electronic calls that result in false alarms.

§ 59-6. Correction of deficiencies.

- Following notice by the Commissioner of Police that a police or fire alarm system constitutes a public nuisance, the owner of such system may file an affidavit with the Commissioner of Police indicating under oath that the false alarms previously caused by such system were caused by a known mechanical or other defect within the system, not to include improper use. Such owner may verify and shall include a statement by competent

workmen or repairmen in the field that such system was defective and such deficiency has been corrected. Upon filing of such affidavit with appropriate exhibits, the false alarm history concerning the premises shall be considered void and of no legal effect.

§ 59-7. Negligent use.

- Where false alarms have originated from negligent use or a combination of negligent use and a defective system, in order to terminate the finding that the system is a public nuisance, an owner shall comply with the provisions of § 59-6 and, in addition, file an affidavit explaining the steps that have been taken to correct the negligent use which has resulted in false alarms. Upon acceptance of such affidavits by the Commissioner of Police, the declaration of the alarm system as a public nuisance shall be considered void and of no legal effect. Nevertheless, should such a system be declared a public nuisance as provided in § 59-3 within a period of one year following reinstatement under this section or § 59-6, use of such system shall terminate for a period of one year before this section shall be used to reinstate service.

§ 59-8. Alarm systems connected to county control.

- Any alarm system whereby police officers or fire fighters are directly dispatched as a result of an alarm which automatically signals or calls Dauphin County Emergency Management or any audible signal once declared to be a nuisance shall require the prior consent of the Commissioner of Police before it may be utilized.

§ 59-9. Permission to install.

- Any permission to install a police or fire alarm system granted by the Commissioner of Police shall be predicated upon the specific condition that should such system prove to constitute a public nuisance as defined hereunder, then the alarm system shall be terminated also as provided herein.

§ 59-10. False alarm response charge.

- Any owner of a police alarm, fire alarm, smoke detector or other type of alarm, and which alarm has a direct or indirect connection which calls for a response from the Police or Fire Department, shall be charged a response charge as set forth from time to time by resolution of the Board of Supervisors for each false alarm after the third false alarm responded to by the Police or Fire Departments within a calendar year. Failure to pay the response charge within 30 days of written notice from the responding department shall result in prosecution as prescribed in § 59-11.

§ 59-11. Violations and penalties.

- **A.** This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.
- **B.** In any case where the Commissioner of Police has declared an alarm system to be a public nuisance, the Solicitor may bring legal proceedings in equity or otherwise to prohibit the continued use of such system and to collect any and all damages on behalf of the township resulting from the use of such system.